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C O N F I D E N T I A L SECTION 01 OF 02 CAIRO 002280

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DEPARTMENT FOR NEA/ELA AND DRL/NESCA
NSC FOR PASCUAL

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TAGS: [PGOV](#) [PHUM](#) [KDEM](#) [EG](#)

SUBJECT: COURT FINES MEDIA COMPANY FOLLOWING BROADCAST OF
ANTI-MUBARAK PROTEST

REF: A. CAIRO 2199
[B](#). CAIRO 2198
[C](#). CAIRO 2152
[D](#). CAIRO 715

Classified By: ECPO Mincouns William R. Stewart for reason 1.4 (d).

[1](#). (C) Summary and comment: On October 26, a court fined the owner of the Cairo News Company (CNC) media transmission firm 150,000 Egyptian pounds (about USD 27,000) and confiscated some of its equipment for operating without licenses. The GOE had shut CNC down shortly after the company provided uplink services for an Al-Jazeera broadcast of protestors stomping on posters of President Mubarak during the April 2008 Mahalla clashes (ref D). The owner was reportedly relieved the court did not sentence him to prison. One of the defendant's lawyers told us the decision may indicate that the GOE will continue to use fines, not prison terms, in press cases. Another observer cautioned against drawing precedents from this case, in light of the GOE's detention this week of two bloggers. The court's decision follows a familiar pattern in recent prominent press cases of avoiding prison terms. While regime supporters could claim that unprofessional journalism involving speculation or sensationalism justified the recent court decisions against Ibrahim Eissa and Adel Hamouda (refs B and C), this verdict illustrates that the courts will most probably continue to act against journalists who embarrass Mubarak, even if the story itself is unimpeachably credible. End summary and comment.

[2](#). (C) On October 26, a court fined CNC owner Nader Gohar 150,000 Egyptian pounds (about USD 27,000) following CNC's provision of satellite uplink services for an April 2008 Al-Jazeera television broadcast of protestors tearing down posters of President Mubarak and stomping on them during the Mahalla clashes. The court fined Gohar for operating a broadcast network without the necessary permits and for using unlicensed equipment. CNC provides satellite transmission uplink services for local and international cable television stations, including CNN, Al-Jazeera, and CNBC. The GOE raided CNC's offices and shut down its transmission services in April, immediately after the images were broadcast on Al-Jazeera through a CNC uplink. One of Gohar's lawyers, Hafez Abu Seada of the Egyptian Organization for Human Rights, told us that the court also confiscated a significant amount of the company's media equipment, dealing it a further financial blow. Gohar told the local media that he was dissatisfied with the sentence and predicted that the equipment confiscation would effectively put him out of business.

[3](#). (C) Abu Seada told us privately that despite the financial penalties, Gohar was relieved not to have been sentenced to prison time. Abu Seada said he believes that following President Mubarak's October 6 pardon of independent newspaper

editor Ibrahim Eissa and the fine levied against independent, sensationalist editor Adel Hamouda for insulting the Sheikh of Al-Azhar, the government may have decided to rule out prison sentences for journalists in favor of fines. (Note: Mubarak pledged in February 2004 not to jail journalists, but the government has thus far refused to change existing law. End note) Abu Seada expressed hope that this trend would continue in the expected December 6 decision in the case of 4 independent editors, including Eissa and Hamouda, for allegedly insulting NDP leaders (ref A).

¶4. (C) Larry Pintak, Director of the American University in Cairo's Electronic Media Center, told us October 30 that, according to reliable information, the government had assured CNC owner Gohar it would drop the case if Gohar stopped his public condemnation of the GOE for shutting down CNC in April. Pintak said Gohar refused such a deal, and the government consequently pursued the case. Pintak cautioned against generalizing from the case that the GOE was ruling out prison terms in press cases, and cited the attention this week of two reportedly Muslim Brotherhood-affiliated bloggers. Pintak also opined that Al-Jazeera was an additional target of the GOE's crackdown against CNC as the Qatari satellite channel had used CNC's transmission services.

¶5. (C) Hisham Kassem, founder of the independent paper "Al-Masry Al-Youm" and consultant to the "World Association of Newspapers," told us October 30 that the case demonstrates the need to change the broadcasting laws to make it easier for the media to obtain licenses. Kassem criticized the fine and the equipment confiscation as "too high" and "too harsh."

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He also criticized the GOE for targeting Gohar who, in Kassem's view, does not have an agenda and is not a political oppositionist.

¶6. (C) Analyst Gamal Gawad Soltan of the GOE-funded Al-Ahram Center for Political and Strategic Studies told us October 29 that the GOE knew for years that CNC was operating without a license, but only took action when the company broadcast the images from Mahalla in April. The "real crime" of course, noted Soltan, was broadcasting material personally insulting to Mubarak, not operating without a license. Soltan compared the charges against CNC of operating without a license to the forgery case against former Ghad party leader Ayman Nour, whose "real crime" was challenging Mubarak, not forgery. Soltan opined that conservatives in the Interior Ministry want to crack down more broadly against the independent press, and incidents such as the CNC broadcast provide them with a pretext to do so.

¶7. (C) Comment: The court's decision follows the pattern of recent prominent cases where defendants avoided prison sentences. President Mubarak pardoned "Al Dostour" Editor Ibrahim Eissa October 6 following his conviction on charges of harming Egypt's image for speculating on Mubarak's health, and a court fined editor Adel Hamouda October 11, instead of jailing him, for insulting the Sheikh of Al-Azhar. While regime supporters could claim that unprofessional journalism involving speculation or sensationalism justified the charges against Eissa and Hamouda, this verdict against a media company for transmitting unembellished broadcast feed illustrates that the courts will most probably continue to act against journalists who embarrass Mubarak, even if the story itself is unimpeachably credible.
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